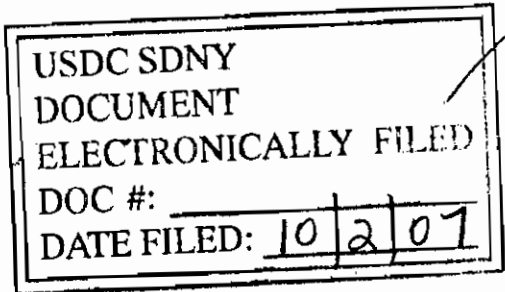


MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007



MARK D. ZUCKERMAN
Senior Counsel
E-mail: mzuckerm@law.nyc.gov
Phone: (212) 442-8248
Fax: (212) 788-9776

September 21, 2007

BY FACSIMILE (212) 805-7948

The Honorable Richard J. Holwell
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Obed De La Rosa v. City of New York, et al., 07 Civ. 8027 (RJH)

Your Honor:

I am Senior Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York in the above-referenced matter. I write with respect to the above-referenced matter in which plaintiff alleges that his constitutional rights were violated by defendants. Defendant City respectfully requests an extension of time to answer or otherwise respond to this complaint from October 3, 2007 until December 3, 2007. Plaintiff has consented to this request for an extension of time.

There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Furthermore, it is our understanding that the records of the underlying criminal actions, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office is in the process of forwarding to plaintiff for execution consents and authorizations for the release of sealed arrest and criminal prosecution records so that defendant can access the information, properly assess the case, and respond to this complaint.

Additionally, upon information and belief, the named individual defendant, Anthony Ricci, was served with the summons and complaint in this action as well. This office has not discussed with the defendant the manner of service, and we make no representation herein as to the adequacy of process on defendant. Although this office does not currently

represent Officer Ricci in this action, and assuming he was properly served, this office requests an extension on his behalf to December 3, 2007 as well so that his defenses are not jeopardized while representational issues are being decided. *See Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)). Plaintiff has consented to this request for an extension of time as well.

No previous request for an extension has been made by defendant City of New York. Accordingly, we respectfully request that defendant City of New York's time to answer or otherwise respond to the complaint be extended to December 3, 2007.

Thank you for your consideration herein.

SO ORDERED

Respectfully submitted,



Mark D. Zuckerman
Senior Counsel

USDT

10/2/07

cc: James I. Meyerson, Esq. (Via Facsimile)

*
IPTC shall take
place on 12/7/07
at 10:30 a.m.

